



*IPW*

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/672,133	
	Filing Date	9/26/03	
	First Named Inventor	Stephen A. Ewald	
	Art Unit	3625	
	Examiner Name	J. A. Smith	
Total Number of Pages in This Submission	3	Attorney Docket Number	49663.21740

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Interview Summary Pursuant to 37 C.F.R. Sec. 1.133; Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<b>Remarks</b>	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Carlton Fields, P. A.	
Signature	<i>[Signature]</i>	
Printed name	Lance D. Reich	
Date	6/29/05	Reg. No. 42,097

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
Signature	<i>[Signature]</i>	
Typed or printed name	Lucille Golden-Blakey	Date 6/29/05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

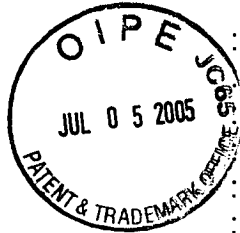
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: EWALD

Serial No. 10/672,133

Filed: 09/26/2003

For: SYSTEM AND METHOD FOR  
PURCHASING LINKED WITH  
BROADCAST MEDIA



Group Art Unit: 3625

Examiner: Smith, J.

Confirmation No. 6111

Attorney Docket No. 49663.21740

**INTERVIEW SUMMARY PURSUANT TO 37 C.F.R. §1.133**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Applicant acknowledges with thanks the telephonic interview granted by the Examiner with undersigned counsel on June 24, 2005. In the interview, the Applicant requested reconsideration of the Final Rejection of Claims 1-19 in the Office Action dated June 2, 2005. Specifically, the Applicant requested reconsideration of the position in the Office Action that *Kesling, et al.* (US Patent Application Publication No. 2002/0132575A1), as incorporating US Patent Application Serial No. 09/461,699, anticipates the claims under 35 U.S.C. §102(e), and specifically discloses the claimed element of a "purchase request" wherein a user of the broadcast receiver makes a purchase selection based upon goods or services advertised or being played upon the broadcast receiver and the purchase request is completed. The Office Action specifically relies upon one sentence from *Kesling, et al.*, which states that: "The listener might even complete the transaction using radio 20, which, since it includes the high power wireless transceiver, can function as a traditional text pager." (citing Para.

[0066]), for the proposition that *Kesling, et al.*, discloses a “purchase request” as claimed.

Applicant traverses such interpretation, and submits that *Kesling, et al.*, even with the incorporated material, does not disclose a purchase request as further action is required from the user after selecting information about a good or service at the broadcast receiver of *Kesling, et al.* Thus, such request in *Kesling, et al.*, is better described as an “information request” because the purchase has not been made once the request selection is made at the broadcast receiver. In contrast, the present invention does not require any further interaction once the purchase request is made.

Applicant therefore argued and maintains that *Kesling, et al.*, simply does not disclose this element of Claims 1-19, and cannot anticipate them. Moreover, Applicant argued and maintains that even assuming *arguendo Kesling, et al.*, suggests that the purchase transaction can be completed at the broadcast receiver, the cited sentence in support thereof is not enabling. In disagreement with Applicant's arguments, the Examiner maintained the position that *Kesling, et al.*, discloses a “purchase request” as claimed, and accordingly, an agreement as to the ultimate patentability of the claims was not reached.

No additional fees are believed due. However, the Commissioner is hereby authorized to charge any additional fees which may be required, including any necessary extensions of time, which are hereby requested, to Deposit Account No. 03-0683.

Respectfully submitted,

Stephen A. Ewald  
By his Representatives,



Date 29 June 2005

Lance D. Reich  
Reg. No. 42,097

CARLTON FIELDS, P.A.  
1201 West Peachtree Street, Suite 3000  
Atlanta, Georgia 30309  
Telephone: (404) 814-3400  
Facsimile: (404) 814-3415  
Customer Number 49358

\* \* \* \* \*

CERTIFICATE UNDER 37 CFR 1.8

The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria VA 22313-1450, on this 29 day of June, 2005.

  
Lucille Golden-Blakey